

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Herbert Pitts,

Civ. No. 20-0883 (PJS/BRT)

Petitioner,

v.

**ORDER**

Warden Duffield (Illinois Department of  
Corrections), and State of Minnesota,

Defendant.

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This matter comes before the Court on Plaintiff Herbert Pitts’ motion requesting appointment of counsel, filed on May 6, 2020. (Doc. No. 4.) In his motion, Plaintiff requests that an appellate public defender who represented him previously be appointed to represent him in this matter. For the reasons that follow, Plaintiff’s request for appointment of counsel (Doc. No. 4) is denied without prejudice.

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (citing *Wiggins v. Sargent*, 753 F.2d 663, 668 (8th Cir. 1985)); *see also In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) (“The decision to appoint counsel in civil cases is committed to the discretion of the district court.”) (citing *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984)). Review of the Petition (Doc. No. 1) and Defendant’s pending Motion to Dismiss (Doc. Nos. 14, 15) suggests this case is not significantly more

complicated than other habeas petitions filed in this Court. Accordingly, appointment of counsel does not appear warranted at this time.

**IT IS HEREBY ORDERED** that:

1. Petitioner's request for the appointment of counsel (Doc. No. 4) is  
**DENIED WITHOUT PREJUDICE**; and
2. Petitioner must respond to Defendant's Motion to Dismiss (Doc. No. 14) no later than **June 29, 2020**.

Dated: May 28, 2020

*s/ Becky R. Thorson*  
BECKY R. THORSON  
United States Magistrate Judge